

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

OCT 15 2020

David J. Bradley, Clerk

United States of America)

v.)

Giovana Martinez (1998/USA))

Rodolfo Martinez (2002/USA))

Case No. 11-20-2174-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 14, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC § 952

Illegal Importation of a Controlled Substance / Approximately 12.40 Kilograms of Methamphetamine, a Schedule II Controlled Substance.

21 USC § 963

Conspiracy to Illegally Import a Controlled Substance / Approximately 12.40 Kilograms of Methamphetamine, a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complaint authorized by: AUSA Sarina DiPiazza

/s/ Nicholas C. Stott

Complainant's signature

Submitted by reliable electronic means, sworn to
and attested to telephonically per Fed. R. Cr. 4.1,
and probable cause found on:

Nicholas C. Stott, HSI Special Agent

Printed name and title

Date: 10/15/2020 8:34 a.m.

Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

Attachment "A"

I, Nicholas C. Stott, am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

1. On October 14, 2020, Homeland Security Investigations in McAllen, Texas, (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) at the Progreso Port of Entry (POE) in Progreso, Texas. CBP Officers (CBPOs) detained Giovana Martinez (hereinafter GIOVANA), a citizen of the United States, the driver and registered owner of the vehicle, and Rodolfo Martinez (hereinafter RODOLFO), while attempting to enter the U.S. with approximately 12.40 kilograms (kg) of methamphetamine concealed within the rear quarter panels of the vehicle. GIOVANA was accompanied by her two minor children.
2. During primary inbound inspection, CBP Officers (CBPOs) obtained a negative oral declaration for fruits, food, alcohol, tobacco, drugs, weapons and currency over \$10,000.00. from GIOVANA. CBPOs referred GIOVANA, RODOLFO and the vehicle to secondary inspection for an intensive examination.
3. During secondary inspection, the vehicle was X-rayed, revealing anomalies in the rear quarter panel area of the vehicle. A CBP K-9 narcotics detection team conducted a free air inspection on the vehicle which resulted in a positive alert for the odor of controlled substance(s) emanating from the vehicle.
4. A physical search of the vehicle was conducted, and 15 cellophane and vacuum sealed packages, weighing approximately 12.40 kilograms, were discovered concealed within the rear quarter panels of the vehicle. CBPOs field tested the substance inside the packages which was presumptive positive for the properties and characteristics of methamphetamine.
5. A Homeland Security Investigations (HSI), Special Agent (SA) responded to the Progreso POE to assist in the investigation. The HSI SA and a CBPO interviewed GIOVANA and RODOLFO who both, after providing several inconsistent and admittedly false statements, stated they were hired by an unknown person in Mexico and to be paid to transport what they suspected were drugs from Mexico into the United States. GIOVANA and RODOLFO both admitted to making several previous trips into the United States on behalf of the smuggling organization.